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Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste (for the period from 24 September 2009 to 20 January 2010)

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1867 (2009), by which the Council extended the mandate of the United Nations Integrated Mission in Timor-Leste (UNMIT) until 26 February 2010. In addition to covering major developments in Timor-Leste and the implementation of the Mission's mandate since my report of 2 October 2009 (S/2009/504), this report presents proposals on the future role of UNMIT during the 2010-2012 period, including possible adjustments in its mandate and strength, as requested by the Council. In this connection, the report also presents the findings and recommendations of the technical assessment mission to Timor-Leste from 10 to 17 January 2010, which was led by Ian Martin, my former Special Envoy for Timor-Leste and Head of the United Nations Mission in East Timor (UNAMET) (who also led the United Nations Multidisciplinary Assessment Mission to Timor-Leste in June and July 2006) (see sect. III below). These findings and recommendations, some of which address current weaknesses in United Nations and Timorese capacities to meet the medium-term strategy and related benchmarks, were developed jointly with the UNMIT leadership, headed by my Special Representative, Ameerah Haq, and have contributed to my proposals on the future UNMIT presence.

II. Political and security developments since September 2009

2. Political developments were generally indicative of continuing stability. Elections for local authorities, which were not based on political party affiliation, were held on 9 October, with voters casting ballots for chiefs and councils of the country's 442 villages (sucos). The election campaign from 30 September to 6 October and the voting were conducted in a generally peaceful atmosphere. Participation was high, with 67.75 per cent of registered voters casting ballots. The results saw only marginal gains in women's representation at the village (suco) level despite the advocacy efforts of President José Ramos-Horta and my Special Representative, with the number of women elected as village chiefs increasing slightly from 7 to 11.

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3. The elections were a demonstration of the growing capacity of Timor-Leste's electoral management bodies, as international support was significantly less than for the national elections of 2007. The Technical Secretariat for Electoral Administration organized the elections and conducted simultaneous polling in 748 stations, which were administered by 3,740 staff recruited and trained by the Technical Secretariat. The National Electoral Commission monitored all aspects of the election. As requested by the Security Council in its resolution 1867 (2009), UNMIT and the United Nations Development Programme (UNDP) extended coordinated advice and assistance through an integrated support team (see S/2009/504, para. 13).

4. Political parties demonstrated continued respect for democratic processes even when addressing contentious issues. As a notable example, on 12 October, the National Parliament held a day-long debate on a motion of censure presented by opposition benches because of dissatisfaction over the Government's handling of the Maternus Bere case (see S/2009/504, paras. 33-34), which was broadcast live on national television and radio. Together with almost all members of the Government, the Prime Minister attended the entirety of the debate, making an opening statement and responding to questions from Members of Parliament. Following sometimes lively debate, the motion was ultimately defeated, with 39 votes against, 25 in favour and no abstentions. Another major contentious debate in Parliament arose during consideration of the 2010 State budget totalling approximately $660 million. Following the extensive two-week debate, the budget was approved on 3 December, with 39 votes in favour, 19 against and 4 abstentions.

5. Irrespective of such differences between political parties and continuing tensions among the political elite, positive overtures to engage in political dialogue emerged during the reporting period. The Frente Revolucionária do Timor-Leste Independente,(Fretilin) opposition made several statements committing the party to ensuring peace and stability. On 5 and 6 December, Fretilin held a national conference with over 4,000 party members in attendance. The party approved several resolutions, which included language expressing its intention not to withdraw its parliamentary bench at that time, nor to pursue the idea of a "Peace March", and to improve relationships with, inter alia, political parties, the Church and international organizations. At a ceremony on 31 December, Fretilin Secretary-General Mari Alkatiri publicly called for 2010 to 2020 to be a "Decade of Peace, Stability and Development" and of bringing an end to poverty and violence in Timor-Leste. On 19 January, President Ramos-Horta arranged a meeting with Prime Minister Kay Rala Xanana Gusmão and Mr. Alkatiri, during which they agreed to continue discussions on issues of national interest. In a speech to the diplomatic community on the same day, the President emphasized that he would continue his engagement with national and local leaders and other stakeholders in forging peace and national unity. He also indicated that he would continue the series of dialogues on the theme the "Road to peace and national unity" and expand the "Dili, City of Peace" campaign with the aim of reducing and eventually eliminating all forms of violence in society.

6. The security situation in the country remained stable. Reported incidents dropped from an average of 97 per week in the previous reporting period to 87 during the current reporting period, and those involving serious crime decreased from an average of 2 to 1.5 per week. Incidents of domestic and common assault constituted about 60 per cent of all crimes reported to the police, an increase of 40 per cent over the previous reporting period. This is likely attributable to the facts

that the Penal Code that entered into force in June 2009 made domestic violence a public crime (see S/2009/504, para. 36), that enhanced community policing efforts have encouraged people to report such crimes, and that the police have improved collation of data. There were no measurable increases in crime rates reported in districts where the national police, the Policia Nacional de Timor-Leste (PNTL), had resumed primary policing responsibilities.

7. With regard to the registration, screening and certification programme for the PNTL in accordance with the "Policing Arrangement" (see S/2007/50, para. 33), 2,896 PNTL officers, or 92 per cent of the service, were fully certified as of 20 January. Of the remaining 259 officers (20 women) who are not finally certified owing to pending criminal or disciplinary issues, 63 require adjudication by the Timorese-led Evaluation Panel. Many of the difficulties regarding the Evaluation Panel were overcome, and it met regularly during the reporting period (see S/2009/504, para. 19). The Panel recommended the suspension and further investigation of 68 officers as well as the dismissal of 6, and is currently considering the remaining cases. The Government continued to take measures against those PNTL officers not certified owing to pending criminal investigations or allegations of human rights abuses, including the suspension of five officers and the dismissal of six (as recommended by the Panel), one of whom was a district commander.

8. Based on the agreement concluded by the Prime Minister and my Special Representative on 13 May 2009 (see S/2009/504, para. 20), which reiterates the mutually agreed criteria for the resumption of primary policing responsibilities by PNTL, joint assessment teams of civilian and police representatives from the Government and UNMIT assessed all 13 districts and three units as of 20 January. In total, 19 assessments were conducted, including of some districts which were assessed more than once. As of 20 January, PNTL had resumed primary policing responsibilities in four districts (Lautem, Manatuto, Oecussi and Viqueque) and three units (Police Training Centre, Maritime Unit and Intelligence Service). In addition, the Prime Minister and my Special Representative have agreed that the resumption by PNTL of primary policing responsibilities in two additional districts, Ainaro and Baucau, would be scheduled for March. For those districts and units where PNTL were assessed as not yet ready for resumption, UNMIT police and PNTL have jointly developed and are implementing measures to enhance the latter's institutional capacities in order to facilitate such eventual resumption. In districts and units where PNTL has resumed primary policing responsibilities, UNMIT police continued to play a crucial role in monitoring and tracking progress in the development of the institution while remaining available to provide advice and operational support (and, in extremis, to reassume interim law enforcement, if required and requested). UNMIT police monitoring activities revealed that, while there have been improvements in the performance of PNTL, such as in the areas of community relations, case management, administration and weapons storage, further training and logistical needs must be met in order to sustain its growth and development.

9. Accountability mechanisms for PNTL and the Timorese armed forces, Falintil-Forças de Defesa de Timor-Leste (F-FDTL), remained weak, and members responsible for human rights violations were only rarely brought to justice. Throughout the country, UNMIT received allegations of 22 cases of violations by PNTL and of three cases of violations by F-FDTL during the reporting period. One incident of concern occurred on 28 December 2009, when a member of PNTL in the

Dili district who was responding to a situation of disorder allegedly fired at least one shot, resulting in the death of one youth and injury to another. The PNTL officer suspected of firing was disarmed and placed on preventive suspension, and appropriate disciplinary and criminal investigations commenced. In addition, the Government established a civilian oversight team to oversee the PNTL investigation into the incident, comprised of representatives of the Office of the Provedor for Human Rights and Justice, the HAK Association (a human rights organization), the Commission for Peace and Justice of Dili Diocese, and the Secretariat of State for Security, with UNMIT as an observer. As a further response to this incident, UNMIT police reinforced patrolling, training, mentoring and monitoring activities for PNTL in Dili district. The national media have led an intense public debate on policing in Dili district since the incident. Amid those developments, there has also been constructive discussion about what Timorese citizens expect from their police service and how it should work with the community.

10. Further, but limited, progress was made towards holding accountable those responsible for criminal acts and human rights violations committed during the 2006 crisis, as recommended by the Independent Special Commission of Inquiry (see S/2009/504, para. 30). As at 20 January, final judgements had been rendered in three cases which resulted in convictions against nine persons, four trials are ongoing and 13 cases are under investigation. In addition, the UNMIT Serious Crimes Investigation Team continued investigations into cases of serious human rights violations committed in 1999 in 9 out of 13 districts. As at 20 January, out of 396 outstanding cases, investigations have been concluded in 110 and are ongoing in 23 others. In this regard, it is a positive development that on 14 December, Parliament adopted a resolution calling on Parliamentary Committee A to assess the reports of the Commission for Reception, Truth and Reconciliation and the Commission for Truth and Friendship within three months and to propose the establishment of an institution to put forward concrete measures for implementation of the recommendations made in the reports.

11. At the same time, there were several other events that had implications for accountability for past crimes. On 4 November, the Minister of Justice held a press conference at which she announced that the Embassy of Indonesia in Timor-Leste had informed her on 30 October that former Laksaur militia leader Maternus Bere had been moved to Indonesia due to his deteriorating health (see S/2009/504, paras. 33-34). On 25 December, President Ramos-Horta pardoned three prisoners on humanitarian grounds and commuted the sentences of 46 prisoners for good behaviour and efforts at social reinsertion. Those pardoned include one of the four F-FDTL members convicted of manslaughter and attempted manslaughter in the shooting deaths of eight PNTL officers on 25 May 2006 (see S/2008/26, para. 30); he was released on 6 January 2010. The other three F-FDTL members had their sentences commuted by three years and continue to be held at a military facility rather than a civilian prison. None of those F-FDTL members has paid court-ordered compensation to the victims' widows. In addition, the sentence of Vicente da Conceição (aka Rai Los), who was found guilty on 9 October 2009 of illegal firearm possession, disruption of public order and assault during the 2006 crisis, was also commuted, and he was subsequently released on parole on 9 January.

12. Additional progress towards strengthening the rule of law was noted. The independent comprehensive needs assessment of the justice sector, which contains 144 recommendations, was completed on 14 October and distributed to national

counterparts and other major stakeholders. The report was well received by almost all stakeholders, national and international alike, and the recommendations are being taken into consideration by relevant Timorese institutions, including in relation to the development of the Justice Sector Strategic Plan for Timor-Leste. The number of pending cases in the Office of the Prosecutor-General continued to decline. The Prosecutor-General reported that from January to December 2009, 4,502 cases had been dealt with (approximately 3,362 in Dili), of which 1,230 had been sent to court. As at 31 December, there were a total of 4,981 pending cases nationwide, a large percentage of which were domestic violence cases. This progress in processing cases must be seen in the context of the increasing number of new cases (3,976 in 2009), an indication that while public confidence in the formal justice system remains a challenge, the public is more willing to pursue cases. Four additional international prosecutors and four clerks have been appointed to the Office of the Prosecutor-General to enhance its capacity.

13. Border management agencies of Timor-Leste and Indonesia maintained cooperative relations, as was evidenced by the coordinated response to a misunderstanding in mid-October about the installation of a new PNTL border patrol post in Passabe, Oecussi district. A joint project that commenced in late September to place markers along sections of the border was another cooperative effort. UNMIT military liaison officers, together with UNMIT police, continued to focus efforts on monitoring border management, particularly in areas of unresolved territory. At the request of the Government of Timor-Leste, UNMIT military liaison officers conducted two mentoring workshops on 20 and 21 October 2009 and 21 and 22 January 2010 for F-FDTL military liaison officers to be deployed to the border areas.

14. With the closure of all 65 tented camps for internally displaced persons, the number of families benefiting from recovery packages reached approximately 16,450 as of 20 January. The Government is currently implementing phase II of the National Recovery Strategy, under which a single payment of $500 is provided to each internally displaced family for recovery assistance for the loss of possessions, assets and businesses during 2006 and 2007. Movement out of the last three transitional shelters is currently under way, with only 52 families remaining as of 20 January. To date, security incidents related to the return of internally displaced persons have been isolated and minor. This remarkable progress is owing largely to combined efforts by the Government and humanitarian partners to take a coordinated approach in shifting from a humanitarian to a recovery phase and in ensuring sustainable returns and reintegration. In this regard, the International Organization for Migration (IOM) and UNDP, with resources received through the Peacebuilding Fund emergency window, are implementing infrastructure projects and post-return monitoring mechanisms to support community processes that create conditions conducive to durable return and reintegration.

15. Efforts continued to advocate for enhanced measures to address the needs of women and the high incidence of gender-based violence. The Secretary of State for the Promotion of Equality, with support from the United Nations Development Fund for Women (UNIFEM) and UNMIT, disseminated the concluding observations of the first Constructive Dialogue of Timor-Leste with the Committee on the Elimination of All Forms of Discrimination against Women, held on 30 July in New York, to the Council of Ministers on 4 November, to ministry gender focal points on 5 and 6 November and to district gender focal points on 17 and 18 December. UNMIT and the United Nations country team supported efforts to increase general

awareness that domestic violence is a public crime under the new Penal Code, including through an advocacy campaign launched on National Women's Day on 3 November. UNMIT also supported a 16-day campaign to end violence against women which was launched on 25 November by Deputy Prime Minister José Luis Guterres.

16. The findings and recommendations of the technical assessment mission are set out in section III below and focus on the Mission's four mandated priority areas as reflected in the medium-term strategy; review and reform of the security sector; strengthening of the rule of law; promotion of a culture of democratic governance and dialogue; and economic and social development (see S/2009/72, paras. 47-48). As UNMIT is an integrated mission, which continues to apply a "one United Nations system" approach within an integrated strategic framework covering all mandated areas, the assessment mission considered the activities of UNMIT in conjunction with those of the United Nations agencies, funds and programmes. The assessment mission comprised representatives from relevant United Nations departments, offices, agencies, funds and programmes, as well as senior representatives of UNMIT and the United Nations country team, and worked closely with the Mission leadership.

III. Technical assessment mission

17. Prior to the arrival of the assessment mission, UNMIT and the United Nations country team had consulted the Government of Timor-Leste and key stakeholders. On 9 December 2009, the President hosted a meeting, which was also attended by the Prime Minister, the Secretary of State for Security, the Secretary of State for Defence, the Head of Intelligence, the F-FDTL Commander and the Director of the PNTL Training Centre, with my then Special Representative, Atul Khare, her Deputies and the Police Commissioner, to present the Timorese view on the future of the United Nations presence. During the visit of the assessment mission, its Head, together with my new Special Representative and her Deputies, as well as the assessment mission's sectoral teams, had extensive discussions with Government representatives and the Fretilin opposition and other parliamentarians, as well as representatives of civil society and the diplomatic and donor communities, especially those engaged in bilateral assistance in areas of the UNMIT mandate.

18. The assessment mission was mandated to review progress made in pursuing the medium-term strategy and meeting the benchmarks established for the Mission's four mandated priority areas, as set out in my report of 4 February 2009 (S/2009/72, annex). Its sectoral teams were thus composed, and its findings are presented below, according to four areas: ensuring security and stability; rule of law, justice and human rights; a culture of democratic governance and dialogue; and socio-economic development. The assessment mission found that the desire for the United Nations to sustain its support until 2012 was unanimous across the political and civil society spectrum, and that, with different emphases, this applied to all four areas — all spearheaded by the continuation of a strong good offices role on the part of my Special Representative. At the same time, there was a clear emphasis on the need for United Nations support to be delivered with full respect for national sovereignty and growing national capacity, as well as with cultural sensitivity. Many interlocutors with whom the assessment mission met felt that United Nations support could

increasingly be delivered by smaller numbers of international personnel with specialized skills as advisers or mentors to Timorese counterparts.

19. Since 2006, support from UNMIT to security and stability has been provided alongside the international security forces deployed to Timor-Leste by the Governments of Australia and New Zealand on the basis of a bilateral agreement with the Government of Timor-Leste. The international security forces remain in Timor-Leste, but the assessment mission was informed that following bilateral discussions and taking into account the improved security situation, the reduction of their presence commenced in 2009 and will continue in 2010, and that their posture will be modified and their composition will be adjusted towards an increased capacity to provide training and other force development assistance to F-FDTL.

20. In order to accurately reflect the findings and recommendations of the technical assessment mission, the remainder of this section is based largely on text extracted from the assessment mission's report.

A. Overview

21. While Timor-Leste has made considerable progress in many areas since 1999 and 2006, fundamental political, institutional and socio-economic issues remain. Timor-Leste has recovered from the 2006 crisis insofar as the immediate challenges have been resolved, with stability and security restored, and a largely peaceful transition to a new Government. Life in Dili — the district most affected by the crisis — has returned to apparent normalcy. Government ministries have shown increasing capacities. In 2008, State institutions withstood their first post-2006 test — the attacks on the President and the Prime Minister. However, it remains uncertain how well they could withstand a more sustained challenge. Many of the factors that fuelled the 2006 crisis (e.g., conflict among the political elite, problems in the security sector, socio-economic issues) are still present. There is general agreement that East/West tensions have decreased since 2006, but that they could be stirred anew by political opportunism.

22. Timor-Leste has taken positive steps towards the establishment of democratic institutions and carried out peaceful elections in 2007, leading to a new Government with a majority in Parliament and an active opposition, as well as village (suco) elections in 2009. However, the strength of the democratic institutions has yet to be fully tested; upcoming municipal and national elections in the 2010-2012 period will be important indicators of the level of the progress made by Timor-Leste in its transition to a democratic State based on the rule of law. Those elections will also represent a crucial test of the country's political stability and the capacity of PNTL. Some political leaders have expressed apprehension about security during both elections, which will be hotly contested. The preliminary phase of the municipal elections is tentatively scheduled for 2010, but could be delayed, as prerequisite legislation on decentralization has not yet been adopted by Parliament and political consensus on administrative boundaries and other related issues has not yet been achieved.

23. There have been encouraging signs of commitment to strengthen the transparency and accountability mechanisms within the Government. Unless the risk of corruption and the weak delivery of services are addressed effectively by the Government, public frustration might be fuelled. Civil society still remains

relatively weak, with limited access to centres of decision-making. The media sector in Timor-Leste is in the early stages of development and faces a range of challenges in ensuring its independence, objectivity and sustainability.

24. The Government has expressed commitment to establishing the rule of law in Timor-Leste by adopting the legislative framework and strengthening the justice institutions. Nevertheless, the formal justice system is characterized by a lack of public confidence underpinned by perceived impunity. Furthermore, the principle of separation of powers has not always been respected; as a notable example, former militia leader Maternus Bere, arrested under an indictment for crimes against humanity, was handed over to Indonesian officials by executive decision outside judicial procedure. More recent Presidential pardons and commutations of sentences involving a number of cases from 2006 and others have further contributed to perceptions of impunity. Ongoing efforts to ensure that people have improved access to independent, transparent and effective justice have been hampered by the high number of pending cases, and the lack of adequate infrastructure and human resources, together with a need for continuous and specialized training.

25. The Mission's good offices have played a critical role, in the aftermath of the 2006 crisis, in supporting and facilitating dialogue among various Timorese stakeholders, including among leaders, at both the national and community levels. As good offices efforts are not just a matter of engagement at the highest levels, my Special Representative has held regular meetings with representatives of all political parties, including women representatives, civil society organizations and the diplomatic community. While such initiatives to expand good offices have generally been welcomed, civil society representatives and others expressed a strong desire for UNMIT to enhance its efforts to reach out to various sectors of Timorese civil society. In particular, the assessment mission heard numerous appeals from civil society, as well as from political party and Government officials, for UNMIT to enhance its use of good offices to address impunity.

26. Past experience has shown that one of the greatest threats to stability can be the security forces themselves. Not atypical among post-liberation and post-conflict contexts, security sector reform in Timor-Leste continues to be a slow process of change with a limited base of national ownership. Nonetheless, under the leadership of the President and the Prime Minister, progress has been made in reforms at the sector-wide level and also in the development of both F-FDTL and PNTL, as well as other security providers. Still, significant challenges remain, some of which contributed to the 2006 crisis. These include civilian oversight and management, and the definition and delineation of roles and responsibilities between F-FDTL and PNTL. The Government is taking measures aimed at addressing those challenges, including the development of a national security policy and draft security sector legislation. Challenges also persist in terms of institutional capacity, including internal accountability mechanisms, professionalism and respect for human rights and gender equality. Concerns about politicization of and discrimination within the security forces appear to have lessened, but remain relevant. In this regard, while the risk of confrontation between PNTL and F-FDTL is seen by most interlocutors as having diminished since 2006, perceptions of the "militarization" of PNTL, focusing on renewed visibility of special units armed with long-barrelled weapons, are a concern.

27. With regard to the Indonesian-Timorese border, the situation remains generally calm, but there continue to be disputes stemming mainly from the use of the land in the vicinity of unresolved sections of the border. The two countries continue to hold consultations with a view to concluding the demarcation of the approximately 3 per cent of the land border that is still unresolved, but progress remains limited and slow.

28. The socio-economic factors that fuelled the 2006 crisis — such as land and property regimes, a large youth population and high levels of unemployment — have improved slightly but it will take many years for them to be fully addressed. Also challenging the young country will be the pressures brought on by population growth, as Timor-Leste has one of the highest birth rates in the world. Persistent inequalities in the distribution of wealth may create new fault lines or accentuate old ones. Sudden economic shocks or unsound fiscal management could affect the general security situation. These issues have been somewhat mitigated by the Government's strategies, which include relying on oil money for expanded public employment, cash transfer payments to vulnerable segments of the population, salary increases and Government contracts for infrastructure and other projects. While such strategies have contributed to stability in the short term, Government spending alone will not guarantee increased prosperity and security in the long run. Investment should maximize return for long-term development, such as infrastructure to support rural development.

B. Ensuring security and stability, now and in the future

Progress

29. The first area of the medium-term strategy and benchmarks, "ensuring security and stability, now and in the future" (S/2009/72, annex), relates to the maintenance of security as well as to the strengthening and reform of security sector institutions, specifically the development of an effective and accountable security sector which guarantees security and stability in the short to long term. Progress has been made in this area, as detailed below.

Comprehensive review of the security sector

30. The process of conducting the mandated comprehensive review has progressed slowly. The process has contributed to a number of important security sector reform initiatives, led and owned by the Timorese authorities, in the areas of civilian oversight, national security policy formulation, legislative development and the development of priority security sector institutions. These initiatives have included a national security law package (now before Parliament), the drafting of a National Security Policy, and reforms of PNTL and F-FDTL, including implementation of career regimes and disciplinary mechanisms.

Development of security sector institutions: the Policia Nacional de Timor-Leste

31. As of 14 January 2010, a total of 3,155 PNTL officers were registered out of an authorized strength of 3,172. This corresponds to a ratio of over 1 PNTL officer per 300 inhabitants, and policing best practices indicate that this is most likely sufficient for the needs of the country. With a total of 581 female officers in the service (19 per cent), PNTL has a higher proportion of female personnel than in most countries. Since the 2006 crisis, PNTL has taken steps towards its full

reconstitution in accordance with the supplemental policing arrangement. Resumption by PNTL of primary policing responsibilities commenced in May 2009. A recent important development is the adoption of the promotion system for PNTL, which is expected to be implemented in early 2010.

32. As of the same date, a total of 1,532 United Nations police officers (58 women) from 41 contributing countries, out of an authorized strength of 1,608, were deployed in 13 districts, including four formed police units (of 140 officers each). These formed police units have been deployed as a support element to prevent acts of violence and public disorder.

33. It was in 2006 that UNMIT, working closely with PNTL counterparts, took over interim law enforcement responsibilities. Since then, there has been a steady decrease in crime throughout Timor-Leste. UNMIT police, including the formed police units, played a central role in the provision of security for the presidential and parliamentary elections in 2007 and the village (suco) elections in 2009.

34. UNMIT police have provided training for provisional and firearms certification, and in support of the mentoring programme. Courses aimed at enhancing managerial skills have also been conducted (jointly with the PNTL Police Training Centre), including for PNTL station commanders and district commanders, and specialized courses in close security protection, community policing, traffic management, basic criminal investigation, basic intelligence gathering and disciplinary investigation have been offered.

Development of security sector institutions: the Falintil-Forças de Defesa de Timor-Leste and other security providers

35. On the basis of "Force 2020", the Government's strategic white paper for defence, the development of F-FDTL is progressing with the support of bilateral donors and, to a lesser extent, UNMIT. During the past year, this has included the recruitment of 579 new personnel and the development of capacities in a number of areas, including maritime patrolling, civil engineering and military policing. F-FDTL is also currently considering the development of capacities for disaster management and for participation in United Nations peacekeeping operations.

36. In addition to the efforts to strengthen capacities within PNTL and F-FDTL, the Government has taken steps to further develop a number of other important security providers, including the National Directorate for Public Building Security (informally known as Segurança Civil), the National Directorate for Civil Protection (which includes the Fire Service referred to as Bombeiros) and the intelligence service (Serviço Nacional de Inteligencia). A number of those initiatives have been supported by UNMIT.

Respective roles in the security sector

37. The need for clear definition and delineation of the roles and responsibilities of security sector institutions, in particular PNTL and F-FDTL, has been focused on by the Office of the President and the Government, with substantial support from UNMIT, and is being addressed through a range of overarching legislation and the National Security Policy process. As yet, those draft laws do not fully set out a clear delineation of roles between F-FDTL and PNTL, but it is anticipated that subsidiary legislation will further address the matter.

Civilian oversight

38. An important step in enhancing civilian oversight of the security sector has been the establishment of Parliamentary Committee B, the mandate of which includes parliamentary oversight of security institutions. The United Nations has provided the Committee with a dedicated technical adviser, who provides support to the group on a range of matters, including legislative analysis.

39. The Government's efforts to further develop the Ministry of Defence and Security, which includes the former Defence and Interior Ministries, constitute a step towards effective civilian oversight and management of the security sector. The Prime Minister is also Minister of Defence and Security, with the two constituent parts of the Ministry being managed on a day-to-day basis by two Secretaries of State, one for Defence (including F-FDTL) and the other for Security (including PNTL). The United Nations has provided expertise in support of the Ministry's ongoing development in both areas.

40. The Timorese authorities have taken significant steps in the development of a legal framework for the security sector. This has included laws on the Ministry of Defence and Security, the police, veterans and the military police. In addition, Parliament is currently considering a central package of draft security laws, which includes the National Security Law, National Defence Law and the Internal Security Law. It is intended that the National Security Law, together with the National Security Policy, will provide an overall framework for security coordination.

41. Significant progress has also been made in developing a National Security Policy, with support from UNMIT and in consultation with a wide range of stakeholders. The draft National Security Policy is likely to be presented to the Council of Ministers in early 2010. Once completed, this Policy will provide the foundation for Timor-Leste's security sector.

Challenges

Comprehensive review of the security sector

42. Despite commitments from the President and his Office as well as the Government to conduct the mandated comprehensive review, engagement in the agreed process was initially limited and slow. While engagement by the Timorese authorities has notably increased during the past 12 months, UNMIT should continue to promote fuller national ownership of the process, with a view to supporting national authorities in their commitment to finalizing the review and reflecting its findings in plans for further reform. It is also hoped that the findings from the comprehensive review will be utilized in other important processes, such as the ongoing development of a National Security Policy and security legislation, and that consultations will result in a commitment to ongoing dialogue on security issues involving all stakeholders in Timor-Leste. Greater commitment will also be required on the part of security providers to respect the rights, needs and security concerns of all Timorese people, especially at the community level.

Development of security sector institutions: the Policia Nacional de Timor-Leste

43. PNTL continues to face important challenges, in terms of both capacity and integrity, and is not yet in a position to fully implement its policing responsibilities. The draft reform, restructuring and rebuilding plan, which was developed by the

UNMIT police component and submitted to the Government for consideration in January 2008, did not attract Government support and thus was not finalized. Without an agreed plan, reconstitution and reform activities of the UNMIT police have been based on separate agreements and understandings.

44. The current plans of the Government, though commendable, do not yet amount to a structured development of PNTL. However, through the district assessments and action plans which are part of the PNTL resumption process, the Government, with the assistance of UNMIT, has begun to develop an overall action plan to address shortcomings identified in districts and units. UNMIT is now focusing on assisting the Government in further strengthening and developing a strategic outlook with matching workplans and supporting the implementation of those plans wherever possible. Key to its success will be the level of ownership of the overall action plan on the part of the Government and the effective coordination of its implementation, including with bilateral partners.

45. A significant difficulty facing the UNMIT police in developing and delivering comprehensive training packages is the lack of specialized police trainers and advisers. There is also a lack of qualified UNMIT police or civilian experts for technical advisory services in support of PNTL at various levels, in such areas as personnel, budget, finance, procurement, file and assets management, forensics, information technology, policy development, donor liaison and resource mobilization. Moreover, as emphasized to the assessment mission by the Government and other Timorese contacts, consideration should be given to assigning the UNMIT police personnel who undertake reform activities from fewer countries and for longer periods in order to ensure uniformity of policing standards. This would require police-contributing countries to ensure that the officers deployed have the requisite profile and specialized skill sets, including expertise in mentoring, training, advising and reform, as requested by the Department of Peacekeeping Operations. Where specialized police personnel cannot be provided by police-contributing countries, or where continuity is particularly important, civilian personnel should be recruited through the normal recruitment process or secondment by Member States. It also remains highly desirable to increase the proportion of women officers in the UNMIT police.

46. PNTL continues to lack capacity in operations, administration and management. In almost every district and unit, PNTL continues to face serious challenges, especially in the areas of transportation, logistics, communications, office equipment and facilities, requiring them to depend on UNMIT police to carry out their daily duties. Although several national operating norms and procedures have been developed, the service still lacks standard operating procedures, directives, guidelines and basic training exercises for the proper execution of their duties. Lack of proper policy procedures for use of force, of facilities to store weapons and of adequate accountability mechanisms have also contributed to the misuse of firearms by PNTL officers, including on some occasions by officers carrying weapons while not on duty, in contravention of the provisions of the PNTL organic law and policies. The posts of the PNTL Border Police Unit lack resources, office facilities and other logistics to address illegal border crossing and human trafficking, which is reportedly on the increase.

47. In general, PNTL has major needs for further skills development in leadership, criminal investigations (including on gender-based violence), forensic and crime-

scene management, use of force, legislation and procedures, community policing, traffic, maritime policing, border policing, close protection, communication skills, discipline and ethics, and human rights. More training is required in those areas, as well as in gender awareness. The need for fully functioning Vulnerable Persons Units cannot be overstated, and specific support should be provided to building the operational capacities of such Units. There is a serious gap in the knowledge and technical expertise of officers, which prevents them from systematically investigating cases in accordance with statutory legislation.

48. The PNTL Batalhão Ordem Pública (Public Order Battalion), currently composed of two companies totalling 175 personnel and based in Dili and Baucau, is tasked to maintain and restore public order, protect vital State installations, provide protection to VIP entities and reinforce police operations in the country. The strength of the Public Order Battalion needs to be increased to at least 300 officers and its operational and logistical capabilities enhanced to make it fully operational before the full reconstitution phase. More focused training is needed in the areas of riot control, use of force, code of conduct and discipline, crisis management, VIP protection and convoy escort.

49. Concerning the integrity of PNTL, despite setbacks, there has been an increase in the population's confidence in the institution. However, allegations of corruption and impunity for acts of misconduct, including some incidents involving arbitrary arrests, excessive use of force and mishandling, in particular by the PNTL Task Force, have damaged trust in PNTL, especially among youth and vulnerable groups. In most cases received by the UNMIT Human Rights and Transitional Justice Section, community members choose not to file complaints, sometimes citing fear of retaliation or pressure by PNTL members to resolve the case through informal and traditional justice mechanisms. This underlines the need to strengthen institutional policies and procedures regarding the use of force, in line with national and international standards, and the constant need for human rights training. A training plan has been developed by UNMIT. A suitable administrative disciplinary mechanism, aligned with Timor-Leste's current civil service rules and established civilian oversight policies, needs to be established to ensure the accountability of PNTL officers involved in human rights violations and breaches of discipline.

50. The lack of understanding of new laws is another serious challenge faced by PNTL, frequently leading to its officers "mediating" between perpetrator and victim on criminal offences. Some legislation is yet to be translated into Tetum, the language of use for the majority of PNTL officers. Investigation files sometimes are written in four languages (Portuguese, Tetum, Indonesian and English), and thus investigators face difficulties when reviewing a case.

51. In general, there is a need for improvement in police-community liaison, especially with regard to community contacts at the district command level. Very few community representatives have the opportunity to meet any police officers above the level of community policing officers and the subdistrict commanders. PNTL district commanders appear to be inaccessible to the community, and, as yet, not to have taken initiatives to use the media to interact with the local community. Even more seriously, community representatives, including the village (suco) chiefs, are not aware of any channel in PNTL to address complaints against police officers who misuse their authority or violate human rights. There is, in fact, no clear mechanism for receiving and processing public complaints against police officers.

52. There is currently very little institutional capacity in PNTL for strategic public communications. Dedicated staff and a budget are required, as well as a sustained programme of capacity development, if PNTL is to be able to conduct national campaigns on law and order issues as well as engage effectively with the national media. This is essential for all policing work, but in particular for community policing and specialized services, such as the Vulnerable Persons Units.

53. The PNTL budget was slightly reduced for 2010 as compared with 2009, and is projected to be further reduced in 2011. Existing administrative systems, including those for personnel, budget, finance, procurement, assets and file management, require considerable improvement, in particular as regards implementation. The Government needs to provide, as a matter of priority, financial and material assistance for PNTL, including for transport, communication, equipment and other items, as well for the refurbishment or construction of facilities.

54. Bilateral partners, notably Australia, Japan, New Zealand, Portugal and the United States of America, continue to deliver developmental training programmes with emphasis on specialized support and courses (e.g., leadership, community policing, gender-based violence, explosive ordnance devices and coast guard). However, bilateral assistance needs to be coordinated in a more comprehensive manner.

Development of security sector institutions: the Falintil-Forças de Defesa de Timor-Leste

55. In the absence of a National Security Policy and requisite legislation clearly stipulating the roles and responsibilities of security institutions, the development of F-FDTL as a professional and accountable defence force remains a challenge. While the Government has expressed its commitment to ensuring balanced geographical representation within the pool of new F-FDTL recruits, applicants from the eastern regions appear to have been more successful, especially at officer levels. While 7 per cent of new recruits were women, none were selected for officer training. Systemic changes to ensure women's equal access to training and career development, as well as measures aimed at their protection from sexual exploitation and abuse, are needed.

Civilian oversight

56. Parliamentary Committee B continues to face capacity challenges in effectively exercising its civilian oversight role. In this regard, representatives have requested continued support from the United Nations in the area of legislative scrutiny, as well as training on governance and gender issues. The Commander of the F-FDTL has also recommended that the United Nations contribute to strengthening Committee B with expertise in the area of preparing and reviewing defence legislation.

57. Both secretariats within the Ministry of Defence and Security continue to suffer from limited management, administration and human resources capacities, in particular in areas related to policy development, procurement and finance. Those capacity requirements make effective exercise of civilian control over their respective security providers difficult.

58. Civil society's capacity to engage on issues pertaining to security sector reform remains limited, in particular in the area of women's security concerns. A

small number of non-governmental organizations deal with security sector reform issues and could help broaden national ownership of such processes and increase public confidence in security institutions.

Priorities for 2010-2012

59. The two key areas requiring significant support to advance security sector reform and development in Timor-Leste at the sector-wide level are: (a) completing the security sector review, on the basis of broad consultations with Timorese stakeholders, and ensuring that it is harmonized with emerging security policies and legislation and contributes to the development of a national security sector development plan; and (b) strengthening civilian oversight and management capacities in the Ministry of Defence and Security, Parliamentary Committee B and civil society. Assistance for completion of the National Security Policy and the package of draft security laws should be a high priority, with a focus on clearly defining and delineating the roles and responsibilities of all security sector institutions, but especially PNTL and F-FDTL. As UNMIT draws down in the future, requirements for possible continuation of support should be discussed with the United Nations country team and bilateral partners.

60. In terms of the reform and development of PNTL, emphasis should be placed on supporting national authorities to strengthen civilian oversight and management of PNTL, while enhancing the accountability and effectiveness of the police through, inter alia, development of capacities in operations, administration and management, disciplinary procedures, police-community liaison, respect for human rights and gender awareness.

61. UNMIT should support the Government in establishing a coordination mechanism to ensure effective coordination of funding for programmes and projects. Acknowledging the limited capacity of UNMIT police to contribute to the development of PNTL, and taking into account the comparative advantages of various actors, national coordination should be strengthened with bilateral partners, in particular the Timor-Leste Police Development Programme, supported by Australia. Resumption by PNTL of primary policing responsibilities will remain a high priority for UNMIT.

62. The United Nations should be ready to respond to requests from senior Timorese officials and the F-FDTL Commander to support the armed forces in the areas of oversight and management, policy and legislative development, mentoring of F-FDTL border liaison officers, coordination of peacekeeping and disaster management training by bilateral partners, media training and promoting ethics, with respect for human rights and gender awareness. All activities aimed at developing strictly military capacities, in particular those concerned with the use of force, should be the remit of bilateral partners alone.

Resumption of policing

63. At the meeting hosted by the President on 9 December 2009 and during the technical assessment mission, the Timorese authorities expressed their views regarding the future role of UNMIT police during the 2010-2012 period. Among their proposals were to: (a) expedite the process of PNTL resumption of policing responsibilities, with resumption in Dili by June 2010 and in all districts and units by the end of 2010; (b) reduce the UNMIT formed police unit presence in Dili;

(c) retain UNMIT police in the Department of Justice of PNTL for mentoring on disciplinary procedures; (d) extend co-location and reconfigure the UNMIT police to provide operational, administrative and management support to PNTL and to improve mentoring and training; (e) provide training within a plan developed by PNTL, making available officers with specialized skill sets from a smaller number of contributing countries; and (f) renegotiate the Supplemental Policing Arrangement, in particular to avoid situations of "double command" and review the "certification" process.

64. In early 2009, the Government of Timor-Leste and UNMIT reached agreement on the process for resumption by PNTL of primary responsibilities for the conduct of police operations, district by district and unit by unit, in accordance with mutually agreed criteria. The resumption of primary policing responsibilities by PNTL commenced in May 2009 in Lautem district, and the Oecussi and Manatuto districts, the Police Training Centre, Viqueque district, the Maritime Unit and the National Intelligence Service were handed over by the end of 2009. Decisions have already been taken that the Baucau and Ainaro districts will be handed over in early 2010. UNMIT will make all efforts to ensure that the resumption process is completed by the end of 2010. However, Government planning, especially budgetary processes, does not seem to take into account the increased requirements of PNTL that would accompany such a handover and the subsequent reconfiguration of the UNMIT police.

65. Following the resumption of policing responsibilities in the districts and units, UNMIT police have been monitoring, advising and assisting PNTL, while remaining available to provide operational support, and in extremis, reassume interim law enforcement, if requested and required. A joint monitoring mechanism is in place to monitor the progress of PNTL in districts and units where they have resumed policing responsibilities in order to sustain the continual reform and transfer of skills. This monitoring system needs to be significantly strengthened and better utilized, and co-location of members of the UNMIT police and PNTL must be accelerated and completed as a matter of urgency.

66. Continued efforts have led to further progress in the registration, screening and certification programme for PNTL, with 2,896 (578 women) officers, or 92 per cent of the service, fully certified. The registration and certification programme requires the removal of uncertified officers from PNTL. The remaining uncertified officers face pending criminal and disciplinary proceedings. The Government has so far taken measures against six non-certified officers who were convicted of crimes and a seventh officer for not registering. However, the Government still needs to adopt and issue relevant legislation to ensure the effective implementation of the certification programme, with the assistance of UNMIT or other stakeholders, if needed. Taking account of those factors, UNMIT is currently discussing possible solutions with the Government to ensure that uncertified officers are suspended or dismissed.

Reconfiguration of the UNMIT police component

67. During 2010, UNMIT police will continue to be responsible for interim law enforcement and public security in Timor-Leste until PNTL resumes policing responsibilities in all districts and units and is fully reconstituted. As PNTL resumes those responsibilities, UNMIT police will be reconfigured in organization, size and capabilities to meet the new tasks related to monitoring, advising, assisting and

training. This shift in police functions will require fewer UNMIT police personnel, but will demand requisite specialized skills. A two-stage approach will be adopted: (a) six months after the handover in a given district or unit, there will be an evaluation of the progress of the performance of PNTL, which will be taken into account in a review of the required strength of UNMIT police; and (b) nine months after the handover, the strength of UNMIT police in the district or unit will be adjusted according to the new tasks. The initial drawdown of UNMIT police in the districts and units will thus take place over the period from early 2010 to June 2011.

68. There are still major factors to be taken into account in the requirements for policing in the next two years: elections scheduled for 2010-2012; major civic activities and celebrations; the possibility that the security situation could escalate in a very short time from an isolated incident; underlying security risks stemming from unresolved grievances from the past; and poverty and unemployment, which can give rise to heightened tensions and increasing criminal activity by martial arts groups or others. The Public Order Battalion of PNTL does not yet have the capacity, training, logistical support and equipment to assume crowd control responsibilities throughout the country. There is, therefore, a need to maintain a robust presence of UNMIT formed police units, even after the full reconstitution of PNTL, to ensure a nationwide crowd control response capability. UNMIT police will also provide static security support; pre-emptive police visibility at special and major events, activities and demonstrations; and mentoring and training of the PNTL Public Order Battalion. Two formed police unit platoons (of 35 officers each) will be withdrawn by December 2010. Further drawdown of UNMIT police after the full reconstitution of PNTL will be determined by an assessment to be conducted by the end of 2010.

69. Consequently, the strength of the UNMIT police in the districts and units will be decreased from 1,608 to 1,280 police personnel (790 individual police officers and 490 police in formed police units) by mid-2011.

Military Liaison Group

70. By its resolution 1704 (2006), the Security Council established the Military Liaison Group, with a strength of up to 34 military liaison and staff officers, to support the Government of Timor-Leste, to liaise on security tasks and to establish a continuous presence in three border districts alongside armed United Nations police officers assigned to district police stations. The Military Liaison Group maintains posts in the border districts of Bobonaro, Covalima and Oecussi and one post each in Dili and Baucau. Those posts maintain liaison with Indonesian and Timorese border control forces, F-FDTL and international security forces. The Military Liaison Group also provides mentoring to F-FDTL border liaison officers. It contributes security-related information to UNMIT, and provides military officers to the Joint Operations Centre, the Joint Logistics Operations Centre and the Joint Mission Analysis Centre.

71. All interlocutors indicated to the technical assessment mission that the Military Liaison Group should not be withdrawn before 2012. Their unarmed presence, interacting with both Timorese and Indonesian security elements at the border, provides confidence and mediation in unresolved areas and can defuse an otherwise volatile situation, such as the recent incidents which occurred in Oecussi district. The Group should therefore be retained with its current configuration and

mandate during 2010, and its strength thereafter reviewed in the light of developments in the border areas.

C. Rule of law, justice and human rights

Progress

72. The second area of the medium-term strategy and benchmarks (see S/2009/72, annex), rule of law, justice and human rights, relates to enhancing the functioning of the judiciary, completing outstanding investigations and strengthening national human rights institutions and accountability mechanisms.

73. Despite the setbacks of 2006, Timor-Leste has continued to make progress in this area. While the overall number of human rights violations committed by the security forces declined from 2008 to 2009, excessive use of force remains a concern. The report of the independent comprehensive needs assessment of the justice sector, completed in October 2009, has been welcomed by the Government, including the Minister of Justice. It focuses on the need for specialized training of legal actors, strengthening the justice institutions, improving police-prosecution cooperation and establishing an effective legal aid system. Clear deficiencies were identified regarding judicial independence, separation of powers, promoting professional responsibility, confronting impunity, requiring accountability, gender justice and child rights. The Government has been engaged in a consultative process to develop the first draft of the Justice Sector Strategic Plan for Timor-Leste, including corrections. It is expected that the Plan will be adopted in early 2010 and that it will form the basis of a constructive, collaborative and nationally owned strategic reform process for the justice sector. It is hoped that the Plan will be aligned with the independent comprehensive needs assessment.

74. Since 2007, 37 Timorese students have graduated from the Legal Training Centre. By the end of 2009, the number of justice officials had increased to 13 national judges (4 women), 13 prosecutors (6 women) and 11 public defenders (3 women). The transition of international legal actors from line functions into advisory roles in the justice institutions is continuing. The Office of the Prosecutor-General will commence the final stage of this process in March 2010 with the appointment of five more national prosecutors. A new law was enacted in August 2009 which increases the salaries of judges, prosecutors and public defenders. Human rights training components have also been mainstreamed in all of the legal training programmes delivered to strengthen the technical skills and capacity of national justice actors.

75. Key legislation has been drafted and enacted, including the Criminal Code, which now categorizes domestic violence as a public crime. The Law against Domestic Violence and a new Civil Code are currently being considered by Parliament. Synergy between formal justice institutions and traditional justice mechanisms may be enhanced through the development of a draft customary law to ensure that customary practices are consistent with national and international human rights standards, particularly in relation to women and children. The increase in the number of cases being handled by the prosecution service indicates growing confidence in the formal justice system, which remains a challenge. Significant progress in prison infrastructure and programmes has improved the treatment of prisoners. There has been some progress with regard to the accountability of PNTL

officers. In addition to the measures taken as part of the certification process (see para. 66 above), another four PNTL officers were convicted of criminal offences by district courts during the year.

76. After a year of consensus building, the President of Parliament and political parties agreed to consider, by the end of March 2010, a draft law on a follow-on institution to the Commission for Reception, Truth and Reconciliation and the Commission for Truth and Friendship. With regard to investigations of crimes against humanity and other serious crimes committed in 1999, as at 15 January 2010, the UNMIT Serious Crimes Investigations Team, working under the authority of the Prosecutor-General, had concluded 110 out of 396 outstanding investigations.

77. The Provedor for Human Rights and Justice has been further strengthened and opened four regional offices in 2008 and 2009. Since 2007, the Provedor has been receiving support to increase the human rights knowledge and skills of its staff, including through mentoring, training, discussion sessions and international conferences.

78. Ministry of Education inspectors in all districts and subdistricts were trained in human rights, and teachers received training in human rights education. The Ministry indicated its support for the formal inclusion in the curriculum of the full range of human rights, including children's rights and women's rights. PNTL and F-FDTL also received training in human rights.

79. Some progress was noted in the area of reporting to and cooperation with human rights treaty bodies. The Government agreed to report to the Committee on Economic, Cultural and Social Rights as its next treaty report, and submitted its report to the Committee on the Elimination of All Forms of Discrimination against Women. Civil society and the Provedor completed shadow reports to the Committee.

Challenges

80. Significant challenges remain, and events last year have highlighted the need for further strengthening of the rule of law in Timor-Leste as well as the challenges in developing a culture of human rights. Political interventions undermine important principles, such as accountability, including for serious crimes, judicial independence and separation of powers, as referred to in paragraph 24 above. There is a high rate of domestic violence and a weak human rights capacity in a range of key areas. The ongoing process of resumption by PNTL of policing responsibilities will continue to require careful monitoring from human rights and gender perspectives.

81. The importance of completing investigations for offences committed in 2006 which had been identified by the Special Commission of Inquiry, as well as for those committed in 1999, as mandated by the Security Council, remains. While investigations of serious crimes committed in 1999 have continued through the work of the Serious Crimes Investigation Team, there has been only limited progress in bringing cases to trial. Civil society organizations expressed to the assessment mission their strong desire to see justice and accountability delivered for serious crimes and human rights violations committed in the past. The divisions over the issue of accountability and impunity pose a challenge to the country and the United Nations. The proposed follow-on institution to the Commission for Reception, Truth and Reconciliation and the Commission for Truth and Friendship will be vital as a means to promote reconciliation.

82. The justice system still lacks sufficiently qualified officials and the necessary administrative tools and physical infrastructure to administer justice properly, fairly or effectively. The capacity and, at times, willingness of the justice and law enforcement institutions to fairly and effectively detect, investigate, prosecute and adjudicate criminal offences, in particular those relating to corruption, violence against children, sexual assault and domestic violence, remain weak. Key obstacles to the proper functioning of the criminal justice system include inadequate coordination between the police and the prosecution service, a lack of understanding by law enforcement and justice officials of the applicable laws and procedures for investigation, and language barriers. As a consequence, only a small number of cases are appropriately dealt with before the courts, and the number of pending cases at the prosecution service remains high. While the work of the Office of the Public Defender has increased access to justice for the Timorese population, not all requests for legal assistance can be responded to, and the capacity of private lawyers remains limited. Enhancing the provision of legal aid services will require the strengthening of the Office of Public Defender as an autonomous institution.

83. The checks and balances provided by effective and transparent oversight and accountability mechanisms are essential to combat corruption and improper practices among justice officials. Although Superior Councils, responsible for maintaining standards and professional discipline, have been established for the judiciary and prosecution service and codes of ethics adopted, these need to be further strengthened in order to exert effective disciplinary control of judges and prosecutors in accordance with international standards. The Superior Council for the Office of Public Defender is still not constituted. There is no independent bar association with regulatory and disciplinary responsibilities for the profession.

84. To ensure the implementation of the independent comprehensive needs assessment of the justice sector and the Justice Sector Strategic Plan for Timor-Leste, which is anticipated to be adopted soon, improved broad-based coordination mechanisms would be required, including with regard to gender justice and juvenile justice which were highlighted to the assessment mission as important areas.

85. Regarding corrections, the Government, with the support and assistance of UNMIT and UNDP, should focus on assisting in policy and planning, primarily on programmes for prisoners and staff, preparation for social reintegration and prison administration. Separate facilities for women and youth, as well as for the mentally challenged, are required.

86. Further strengthening and consolidating the role of the Provedor will be essential. The respect and consideration by other state institutions for the role of the Provedor as an important actor for the promotion and protection of human rights need to be significantly enhanced. In the same vein, the capacity of the recently established National Commission for the Rights of the Child and of civil society human rights actors needs to be strengthened.

87. Violence against women and children is serious and widespread in Timor-Leste, and remains a priority to be addressed. It is estimated that more than one third of all cases in the formal justice system are domestic violence crimes against women. Women also face a number of gender-specific obstacles in securing access to justice, including lower rate of literacy and fluency in Tetum and Portuguese than men, limited knowledge of their rights and more restrictions on travel away from home. The reporting of crimes to any forum outside the family structure is still

hampered by stigma associated with such crimes and socio-cultural acceptance. Most domestic violence and sexual assault cases against women are mediated in traditional justice forums instead of being formally prosecuted, despite the fact that domestic violence is now a public crime under the new Criminal Code. The PNTL Vulnerable Persons Units are underresourced. Finally, limited access to justice contributes to a climate of impunity, having a negative impact on respect for human rights, in particular those of women and children. The United Nations and bilateral actors need to increase efforts to strengthen the legal framework through the enactment and implementation of the Law against Domestic Violence, the Civil Code, land law, a traditional justice legal framework, juvenile justice legislation and prison law.

Priorities for 2010-2012

88. The various United Nations actors in the areas of human rights and justice are working in a complementary manner, in partnership with international donors, and will focus on the following priority areas.

89. UNDP executes a comprehensive, multi-annual, multi-donor programme to strengthen the justice system in Timor-Leste, responding to the immediate needs of the justice sector and assisting in the development of sustainable national capacities for the future. As a priority, UNDP should continue to support the Legal Training Centre for national legal actors; fund international judicial experts who advise their national counterparts; provide technical and financial assistance to the justice sector; support justice institutions in enhancing access to justice for all; and improve the capacity of the corrections services to meet international standards for the treatment of prisoners.

90. Priorities for the UNMIT Administration of Justice Support Unit should be to facilitate and support an effective nationally led process in support of implementation of the Justice Sector Strategic Plan for Timor-Leste. This should include supporting the role of the Government-led Council of Coordination to effectively and inclusively coordinate national and international actors. UNMIT also has a central role to play by chairing the informal discussion forum, which seeks to further improve coordination among international actors, enhance information exchange, identify gaps and facilitate policy discussions on key justice and human rights issues. Providing technical and strategic advice in the areas of corrections, gender and juvenile justice will be important. Promoting and advocating for the strengthening of oversight and disciplinary mechanisms within the judiciary and prosecutors' and public defenders' offices, and undertaking periodic assessments of the functioning of the justice system will also be required.

91. UNMIT, through its Human Rights and Transitional Justice Section, should continue to focus on human rights monitoring and public reporting, which is increasingly important in the context of the resumption by PNTL of primary policing responsibilities. UNMIT should continue to exercise its role of human rights advocacy on economic, social and cultural rights, sexual- and gender-based violence, accountability, transitional justice and protection of vulnerable groups. UNMIT maintains field offices with human rights staff outside of Dili where the presence of national human rights actors remains limited. The Government has been increasingly seeking objective assessment of and expert advice on human rights and justice from UNMIT.

92. The human rights role of UNMIT will be important in the training of PNTL, F-FDTL and other Timorese officials to increase compliance with international human rights standards, including treaty body reporting and the universal periodic review, and to ensure effective civilian oversight and separation of powers. UNMIT should support efforts to foster a national consensus dialogue and to support Parliament's efforts to establish a follow-on institution to implement the recommendations of the Commission for Reception, Truth and Reconciliation and the Commission for Truth and Friendship, which will be supported by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the UNDP-funded international prosecutor. The joint project of UNDP and OHCHR for capacity-building of the Provedor has been extended to strengthen its human rights mandate, the department of public assistance, the four regional offices, and the development of the Provedor's legal capacity and institutional planning and management. In due course and in consultation with the Timorese authorities and civil society, OHCHR should conduct an assessment of the need for, and viability of, a stand-alone OHCHR presence in Timor-Leste following the withdrawal of UNMIT.

93. The UNMIT Serious Crimes Investigation Team is presently the only body which investigates alleged crimes against humanity and other serious crimes committed in 1999. While the goal of achieving accountability for those crimes remains uncertain, the completion of all investigations by the Serious Crimes Investigation Team remains important and will keep open the possibility of prosecution. Perpetrators can only be brought to justice in the future if sufficient evidence is collected and preserved now. While recognizing the political sensitivities of the matter, given the importance of ensuring judicial accountability, the United Nations should also continue to reiterate, as appropriate, its firm position that there can be no amnesty or impunity for serious crimes such as war crimes, crimes against humanity and genocide.

94. To promote a culture of human rights and justice within core institutions, as well as within the broader Timorese society, a multimedia communications and public information strategy will need to be integrated into all facets of those efforts.

95. The United Nations Children's Fund (UNICEF), IOM, the United Nations Population Fund, UNIFEM, UNMIT and bilateral partners should continue to work closely with the Secretary of State for the Promotion of Equality and the Ministries of Social Solidarity and Education on programmes to reduce gender-based violence as well as violence against children. This includes awareness-raising campaigns through radio as well as church services; visits to communities to which internally displaced persons have returned; training focused on State responsibility for police and judicial actors, teachers and community leaders; and generating programmes for women victims. Support for strengthening a community-led strategy on prevention of gender-based violence, piloted by UNIFEM, with police, local authorities, women survivors and local women's non-governmental organizations, should continue. Government child protection officers based in each district are the focus of a capacity-building programme implemented with the support of UNICEF. UNDP and UNMIT should continue their support to the Government with regard to the legal framework linking the formal justice system with traditional justice mechanisms, in conformity with international human rights standards focusing on women.

D. Culture of democratic governance and dialogue

Progress

96. The third area of the medium-term strategy and benchmarks (see S/2009/72, annex), a culture of democratic governance and dialogue, relates to enhancing adherence to the values and principles of sustainable democratic governance through respect for constitutional rights and guarantees for all citizens and to ethical standards, as well as increasing the levels of transparency and accountability.

97. In the short time since its restoration of independence, Timor-Leste has taken positive steps in this area. Various programmes and projects aimed at promoting a culture of democratic governance have been, and are being, supported by the UNMIT Democratic Governance Support Unit and the United Nations country team, most notably UNDP. However, the development of institutional and human resource capacities to strengthen the State's ability to govern is a long-term process. This is particularly true for Timor-Leste, where State institutions have been established relatively recently and in the light of the socio-economic factors mentioned in section III.E below.

98. Parliament has become more effective in providing oversight of the activities of the Government. There has also been noteworthy progress in other areas, including the development of Parliament's strategic plan, the revision of the standing orders to streamline parliamentary proceedings, and public seminars on local governance, anti-corruption and primary education.

99. The establishment of the Civil Service Commission and the work of the Provedor for Human Rights and Justice, which collaborates with the Prosecutor-General, were indicators of Timorese efforts to enhance transparency and accountability in the country. Efforts are also being made to address corruption, in particular the adoption of the law on the Anti-Corruption Commission in May 2009.

100. Since 2007, the Government has developed its capacity to utilize local media to reach out to communities to explain its policies and programmes, with increased efforts by most ministries to engage with the media. The Government produces weekly programmes on both Radio Timor-Leste and Television Timor-Leste about activities of its ministries and publishes a weekly page in all daily newspapers.

Challenges

101. Successful elections will not guarantee democratic governance unless democratic institutions are strengthened and appropriate accountability mechanisms are established and functioning. Understanding of and respect for the checks and balances among the four pillars of sovereignty have yet to be firmly entrenched among the political leadership. Parliament continues to face challenges as well, and the civil service remains weak, including at the local level. Furthermore, the assessment mission heard serious concerns across political party lines that weak human resources and capacities at the district level would complicate decentralization.

102. Many interlocutors also expressed their concerns over growing trends of corruption in Timor-Leste. Timorese leaders have publicly expressed their commitment to establishing effective anti-corruption mechanisms. Government spending policies could lead to expectations of a patronage system and increased susceptibility to corruption through the granting of government contracts, jobs and

other benefits to people with close ties to government officials. The country's weak capacity to plan, oversee and implement effective long-term public investment could further increase its vulnerability to corruption. The Government has sought unsuccessfully for months to find suitable, willing and broadly acceptable candidates for the chairmanship of the Anti-Corruption Commission. The relationship between the Commission and the Prosecutor-General has also yet to be clearly defined.

103. The lack of a national auditing institution, foreseen in the Constitution as the High Administrative, Tax and Audit Court, remains a key omission in the governance architecture. The Court's establishment is under way but remains far from realization, owing in large part to the continuing lack of duly qualified and experienced judicial personnel.

104. Poor service delivery by the public service, owing partly to its overcentralization, remains a challenge and leaves many Timorese in outlying areas isolated and lacking in essential services. The capacity of most ministries and other public institutions, including the electoral management bodies, the Provedor for Human Rights and Justice, PNTL and the justice system, to conduct widespread social communications has yet to be fully developed, in particular on issues related to the empowerment of women and youth. Local governance through elected officials awaits the passage of legislation on municipalities. Civil society organizations, which have yet to have a significant impact on the political leadership, lack critical and institutionalized access to centres of decision-making.

105. The large youth population is often faced with employment difficulties and experiences a sense of alienation. They have the potential to play a positive political role and drive socio-economic developments in the country and need to be engaged in democratic and inclusive processes. The United Nations will continue to support the Timorese authorities in this regard. Increasing opportunities for youth participation and leadership, including by raising awareness among them of their civic rights and responsibilities, would contribute greatly to the promotion of a culture of democratic governance. The recent establishment of the Youth Parliament is a clear step forward towards such a process. More can be realized through educational institutions as well as through mechanisms such as sports and youth associations.

Priorities for 2010-2012

106. The above reflects a still fragile environment in which the expectations of the population are high. The United Nations, in collaboration with a wide range of partners, needs to continue utilizing good offices to help foster sustainable democratic governance in Timor-Leste. More specifically, the overarching priority of UNMIT in democratic governance and dialogue for the next three years should be the further enhancement of accountability mechanisms.

107. The United Nations, together with relevant development partners, should remain engaged in supporting the electoral process of the country. United Nations support for elections covers five main areas: security; legal advice; technical assistance; limited logistical support; and overall political advice. The focus of the United Nations Electoral Support Team, comprising UNMIT and UNDP staff, should be on provision of advisers on legal matters, electoral management matters and civic and voter education, primarily to develop the capacity of the electoral management bodies (the National Electoral Commission and the Technical

Secretariat for Electoral Administration). In the light of the increasing capacity of those bodies, the overall level of United Nations support to the municipal elections should be less than that for the village (suco) elections in 2009. The presidential and parliamentary elections to be held by 2012 will be a critical milestone for Timor-Leste. Should the Timorese authorities request United Nations technical electoral assistance for those elections, such assistance will have to be carefully planned based on broad-based consultations among various partners and, in view of the growing national capacity, also take into account an overall assessment of municipal elections, if conducted before 2012.

108. UNMIT should encourage the Government to strengthen and mainstream the principles of anti-corruption and transparency in all sectors of the Timorese society. More specifically, UNMIT should focus on providing policy advisory support, as appropriate, to the establishment and functioning of the High Administrative, Tax and Audit Court and the Anti-Corruption Commission, in close consultation and cooperation with other development partners. Bilateral donors have indicated their direct support to the Government in this regard.

109. With full awareness of the possible political sensitivities involving decentralization and municipal elections, UNMIT should continue its support for national discussions on the establishment of municipalities and democratic local governance. In view of the political nature of municipal elections, the real test of effectiveness of the municipalities will lie in the extent to which the centre, over time, devolves functions, funds and functionaries to them. The joint United Nations Capital Development Fund-UNDP Local Governance Support Programme has supported the decentralization process since 2003 at the policy and technical levels.

110. UNMIT follows closely the work of Parliament and has provided policy and legal advice to its President and Committees. UNDP has taken a lead role in capacity-building of Parliament and started the third phase of its technical assistance project for the period of 2010-2013. UNMIT and the United Nations country team should continue to support Parliament. UNMIT and UNDP, along with the Australian Agency for International Development, also supported the establishment of the Civil Service Commission in 2009. As a functioning civil service will contribute to the long-term stability of Timor-Leste, UNMIT and UNDP should support, in collaboration with development partners, a more effective way to provide basic services at both the central and local levels, as appropriate. In those areas, UNMIT should gradually reduce its staff/advisers with the understanding that the expertise could be provided by the United Nations country team, especially UNDP, and other development partners.

111. UNMIT and UNIFEM have been working together closely for the past three years to promote gender mainstreaming, and the integrated Gender Thematic Working Group has discussed a broad range of gender-related issues and has facilitated action by its members in accordance with agreed plans and strategies. This integrated approach should continue to seek to integrate gender perspectives into all of the policies, programmes and activities of the Government. Together with the Office of the Secretary of State for the Promotion of Equality, UNMIT and UNIFEM should pay particular attention to work related to adopting special temporary measures under the Convention for the Elimination of All Forms of Discrimination against Women and affirmative action to promote gender balance through the political participation of women in elections and the decentralization

process. Efforts will also be made to encourage a greater gender balance in the civil service. Specific attention will be paid to encouraging women's participation at the senior decision-making level and as managers.

112. UNMIT has conducted a series of democratic governance forums. A series of academic lectures on democratic governance at the University of Timor-Leste and the drafting by civil society of citizens' charters, both supported by UNMIT, are also intended to promote a culture of democratic governance.

E. Socio-economic development

Progress

113. The fourth area of the medium-term strategy and benchmarks (see S/2009/72, annex), socio-economic development, refers to improved quality of life and increased employment opportunities, focusing especially on rural areas and young people and the sustainable return and reintegration of internally displaced persons.

114. Over the past 12 months, basic social services in education and health, including social assistance/protection for vulnerable groups, have begun to improve living conditions for many Timorese: 9,000 teachers received intensive training, including in the Portuguese language; 1,006 primary schools implemented the school feeding programme with support from the World Food Programme (WFP) and a child-friendly school model was adopted; the multi-antigen campaign benefited 40 per cent of the country's population, including young women and children, through measles/tetanus vaccination and nutrition interventions. The Ministry of Health supplementary feeding programme reached over 49,000 children under 5 years of age and pregnant/lactating women with support from WFP, and community-based treatment of acute malnutrition was expanded to seven districts. An additional 1,242 rural families gained access to improved sanitation facilities. Thirteen regional child protection officers were put on the payroll of the Ministry of Social Solidarity. The Bolsa Ma'e Programme of conditional cash transfers reached 9,000 beneficiaries, primarily women.

115. Livelihood and employment opportunities increased, including in rural areas, and for vulnerable groups and youth: almost 50,000 persons (27 per cent women) entered employment promotion programmes; career centres registered 1,548 new job and training seekers (40 per cent women and 86 per cent youth); 11,227 persons (26.6 per cent women) accessed temporary employment in labour-intensive public works programmes, mostly in rural road maintenance; and 5,000 new clients from low-income populations accessed microfinance (70-80 per cent women). All 65 internally displaced persons camps were closed, and 16,450 families received recovery packages, while small community infrastructure projects were started in areas of return through a participatory process. This process, facilitated by UNDP and IOM with support from the United Nations Peacebuilding Fund, entailed preparatory meetings and mediation between internally displaced persons and receiving communities in specific areas. Action plans were developed for district disaster management centres under the National Disaster Management Directorate, and funds were allocated to each district for rapid response.

Challenges

116. While the social and economic challenges facing Timor-Leste are wide-ranging and profound, in particular the poverty rate, which was estimated at 49.9 per cent at the end of 2007, the technical assessment mission identified the priority challenges below which, if not addressed, present potential risks to stability in the short to medium term. While significant progress has been made towards the medium-term strategy and benchmarks, many of the underlying socio-economic factors that contributed to the 2006 crisis still remain.

Inclusive development agenda and policy dialogue

117. Timor-Leste has continued to develop joint frameworks for planning and measuring progress. The National Priorities Programme, now in its third year and with United Nations support, was aligned with the State budget cycle. A medium- to long-term National Strategic Development Plan has been prepared by the Prime Minister's Office, and is expected to be presented in April 2010. The national priorities process, and subsequently the National Strategic Development Plan and Rural Development Framework, should provide a broad framework for Government sectoral priorities within which development partners may align their assistance strategies. United Nations support to the secretariat of the National Millennium Development Goals Steering Committee will be an important contribution to the Government's efforts to better target public spending within an inclusive national development agenda and increase the benefits from oil and gas revenues.

118. Recent Government decisions to address the needs of F-FDTL members dismissed from service in March 2006 (the petitioners), internally displaced persons, veterans and pensioners through direct cash transfers have raised popular expectations and put financial management on a potentially unsustainable course. While the Government has been receptive to the message of fiscal prudence in the 2010 budget, decisions with potentially far-reaching implications (e.g., regarding loans for large infrastructure projects, establishment of a National Development Bank, a "referendum package" to jump-start local enterprise) have been taken with little partner consultation. The upcoming review of the Oil Law underscores the need for sound advice on the long-term stable economic governance of the country. The pool of objective economic expertise must be expanded, and the quality of policy dialogue improved.

Rural development and livelihoods

119. A central element of rural poverty is the underdeveloped agriculture sector, characterized by low productivity, uncertain property rights, small landholdings, limited irrigation, poor market access, and natural resource mismanagement resulting in deforestation. Non-agriculture livelihood opportunities are extremely limited. Ninety per cent of all female employment is in agriculture, and women in rural areas are particularly at risk owing to increased male labour migration to urban areas and marginalization with respect to land ownership rights and participation in household and community decision-making processes. Implementation of the Government's short-term infrastructure investment priorities (water, sanitation and roads) will be important but will require time. Without a greater share of the country's budget allocated to support rural development and agricultural services, conditions to allow farmers to participate in a market economy enabled by the projected road network

will remain elusive. Expansion of market hubs or community markets will depend in part on improved infrastructure, as well as access to market information (particularly for women producers) to promote product diversification.

120. Efforts to increase livelihood opportunities have largely consisted of short-term employment generation activities, support to microcredit and small-scale agribusiness, and vocational training. Cash-for-work schemes are unsustainable but provide critical household income to supplement farm income. Microcredit and agribusiness support activities have had some success in targeting women beneficiaries. Women often receive little community support for their entrepreneurial activities, or face challenges from male heads of household in determining the use of the loans received.

121. Finding a place for youth in the country's economic life, civic institutions and democratic processes is critical to stability in Timor-Leste. Much of the violence committed during the 2006 crisis involved disaffected young men with varying degrees of organization and affiliation to political parties, security institutions, martial arts groups and gangs. If the proximate causes of that crisis have abated, the underlying challenges facing Timorese youth remain very much in place. More than 60 per cent of the population is under the age of 25, with an unemployment rate of 18.4 per cent among youth nationwide and 35 per cent among urban youth; the latter figure is likely rising as a consequence of the country's high population growth rate of over 3 per cent and rural to urban migration. An estimated 15,000 to 17,000 youth enter the job market each year, far outstripping the number of jobs created, which in 2008 was estimated at 9,500. A further barrier to the entry of youth into the job market — especially in the public sector — is lack of competence in Portuguese, the main language of legislation and administration of justice.

122. Efforts to address the critical issue of youth unemployment have to date been limited. A noteworthy example is the four-year Youth Employment Promotion Programme, supported by the International Labour Organization with funding from the Australian Agency for International Development, whose aims include equipping youth with skills relevant to the local labour market and developing policies for youth employment consistent with the Government's National Employment Strategy. More attention is needed within this area, including for the creation and identification of job opportunities for youth.

Basic social services

123. As noted in the Secretary-General's report on peacebuilding in the immediate aftermath of conflict (A/63/881-S/2009/304), basic social service delivery plays a crucial role in strengthening the legitimacy of governments in post-conflict countries. With the bulk of Timor-Leste's population living in rural areas, the delivery of basic social services is the most obvious interaction many Timorese communities have with their Government.

124. The United Nations is working actively to strengthen basic services and their delivery, focusing in particular on health and nutrition, water, sanitation and hygiene, education, and food security. While progress has been achieved, available data continue to point to extremely weak service delivery in rural areas. Although the mortality rate for children under 5 years of age has almost halved since 1990 (from 184 to 97 deaths per 1,000 live births), it still remains high. The infant mortality rate of 77 deaths per 1,000 live births is more than three times the regional

average, and the maternal mortality rate of 660 per 100,000 births is more than double the regional average. Global acute malnutrition is higher than in many sub-Saharan African countries. Only 56 per cent of rural populations have access to safe water, and less than a third use proper sanitation. Unless those key social indicators improve, an important barometer of State effectiveness will continue to show worryingly poor results.

Education

125. Among the challenges most consistently emphasized by stakeholders (including Government officials) interviewed by the technical assessment mission was the lack of sufficient qualified human resources capacity among national authorities, civil society and the business community. The main underlying cause of this capacity gap is insufficient access to quality education. Less than half of children complete primary school, owing in part to the poor quality of education many of them receive. The Ministry of Education estimates that up to 85 per cent of primary school teachers are not qualified for their posts. A major challenge in this regard relates to language: while the Government requires primary education to be conducted in Portuguese and Tetum, the majority of teachers are not sufficiently proficient in Portuguese, and the development and standardization of written Tetum have been delayed and received insufficient support. This has a direct impact on the quality of education children receive. More than half of the population is unable to read and write.

126. The assessment mission concluded that improved access to quality education is a core requirement for the effective transition from a post-conflict environment to stability and development. It is vital to create a sufficient cadre of qualified personnel to ensure the continued viability of Timor-Leste's institutions. Although this is a long-term challenge, it is one which, unless rapid progress is made, could threaten the medium-term stability of the country.

Internally displaced persons

127. The Government considers the issue of internally displaced persons essentially closed and a successful example of its policies. However, the returns are still fragile and gains might not be completely sustainable, given the added pressure from rural-urban migration and slow progress in finding solutions to land disputes, especially in urban areas. The needs of vulnerable beneficiaries (especially women) and receiving communities must be carefully considered to promote durable solutions. Following closure of the camps, the Ministry of Social Solidarity, with the support of UNDP, developed a strategic plan for the establishment of a new Peacebuilding and Social Cohesion Department in 2010. The Ministry of Social Solidarity, also with UNDP support, is currently embarking on a survey of the impact of the recovery packages.

Disaster preparedness and management

128. Timor-Leste is highly vulnerable to natural disasters. Currently, however, the capacity of the Government to prepare for and manage disasters remains limited. Responsibility for disaster response coordination resides with the National Disaster Management Directorate, under the Ministry of Social Solidarity. The draft National Security Law provides for the establishment of an Integrated Centre for Crisis

Management within the Ministry of Defence and Security. How the Integrated Centre for Crisis Management would coordinate with the National Disaster Management Directorate in the event of a major disaster is obviously still untested, and F-FDTL will play a role in disaster response. Even a moderate scale natural disaster could pose risks to social cohesion and stability. Thus, the Government's ability to effectively manage disaster response is crucial.

Priorities for 2010-2012

129. The socio-economic challenges facing Timor-Leste make a case for expanded United Nations activities to help the Government address long-term development challenges. It should be emphasized, however, that the capacity of United Nations agencies to maintain even current levels of support depends on the continued availability of financial resources, in particular from international partners.

130. There will be a continuing need for Timor-Leste to develop institutional and analytical capacities to strengthen budget oversight and promote broader and better informed policy debates on public spending priorities and budget trade-offs. The United Nations can build on its ongoing support to the budget oversight and gender mainstreaming capacity of the Parliament to further enhance Timorese sectoral analytical capacities and strengthen gender-responsive budgeting. United Nations assistance should continue for the national priorities process.

131. Additional support is required to strengthen basic social service delivery throughout the country. The United Nations country team has worked with key ministries in partnership with international and local non-governmental organizations to support the Government's ability to deliver basic social services and help meet the Millennium Development Goals. Partners interviewed by the assessment mission consistently highlighted the importance of United Nations capacity-building support for national partners to strengthen service delivery, particularly in rural areas. The decentralization process was seen by a number of partners as an important opportunity for capacity development at the municipal level.

132. UNDP, in partnership with the Ministry of Economy and Development, is working to improve the outreach ability of microfinance and other financial service providers and to promote a more inclusive financial sector. The United Nations can continue to support microfinance and agribusiness support activities, particularly in rural areas, to complement its work on improving basic service delivery.

133. A number of United Nations agencies and non-governmental organizations are supporting early childhood and primary education, in particular through support to curriculum development and teacher training by UNICEF as well as to school feeding by WFP. This support should continue, and the UNMIT leadership should take every opportunity to underscore the importance of education in their dialogue with Government partners and the donor community. The United Nations should also explore the possibility of providing increased support to secondary and post-secondary education and to vocational training, which is currently receiving little international attention. Addressing this gap will be crucial to any viable capacity development strategy.

134. Responsibility for coordinating humanitarian preparedness and response within the United Nations system resides in the Office of the Resident Coordinator/Humanitarian Coordinator. Given that this Office has limited resources available in

that regard, the continued support of UNMIT in humanitarian coordination will remain necessary until at least mid-2011.

135. Dialogue teams established within the Ministry for Social Solidarity, with the support of UNDP, have actively assisted in the reintegration process. The sustainability of returns of internally displaced persons should be evaluated, and small community infrastructure projects, such as those implemented by IOM and UNDP in some areas of return, should be supported as necessary to bring benefit to the receiving communities and promote social cohesion, paying particular attention to the needs of vulnerable returnees and community members, especially women. The planned survey of the utilization and impact of the compensation packages will be useful in identifying potential entry points. Monitoring, assessment and good offices by UNMIT to promote sustainable reintegration of internally displaced persons will need to continue through 2010.

136. International capacity-building efforts, including those of the United Nations system, for disaster response have been directed largely at the National Disaster Management Directorate. The United Nations can assist the Timorese authorities in ensuring that the legislative framework for disaster response provides clear accountability lines and by extending its capacity development support for disaster preparedness, response and recovery. It is crucial that the United Nations seek clarity regarding the appropriate counterparts for each sector of emergency response, including within the context of the ongoing analysis of the package of three major security laws that are pending before Parliament. National planning for disaster management needs to incorporate plans for communications and public information, including coordination mechanisms, as well as plans to handle a situation in which an already limited communications infrastructure has been destroyed.

137. UNMIT is not a negligible factor in the Timor-Leste economy. The Mission spends about $20 million annually in Timor-Leste (for local procurement and national staff salaries), compared with a Government budget volume of $650 million for 2010. The total economic footprint of the Mission is higher, as indirect spending (rent, local services) by the international staff should also be taken into account. There are 900 national staff and over 900 contracted security guards. Eventual withdrawal of the Mission will have an impact on the job market and service industry, particularly in Dili. It is advisable for UNMIT to undertake early planning and conduct an assessment on how to mitigate the effects of an UNMIT drawdown, including on its national staff. UNMIT should continue to maximize, where possible, local procurement of goods and services. Investment decisions in the local building industry are presently made on the assumption that UNMIT will remain in Timor-Leste for some time. Transparency through appropriate public information messaging should be part of the UNMIT drawdown planning.

F. Public information and outreach

138. The UNMIT Communications and Public Information Office contributes to the work of the Mission in each of its four mandated priority areas through strategic communications and public information, as well as through supporting the Special Representative's good offices role. It also works towards the achievement of the second benchmark in the area of a culture of democratic governance and dialogue

(see S/2009/72, annex) related to media development and government and State communications capacity.

Challenges

139. Timor-Leste's media landscape has consolidated since the 2006 crisis, with marked growth in some areas but still with considerable challenges, including sustainability of key areas of the media. In addition to institutional and legal challenges, the media sector faces, across the board, major resource issues: financial, human and technological.

140. There is not yet any legal framework for the media sector. UNDP has assisted Parliament in preparing draft legislation, although key aspects remain in question and require further consultation with the media industry and civil society to ensure that laws strengthen and promote freedom of expression and the right to information. An appropriate legislative framework could help strengthen the independence of the media sector and protect it from perceived or real political interference.

141. Further work and resources are needed to help develop a culture of rigorous and professional journalism which can contribute to holding public institutions to account. There is still no formal education and training available to Timorese journalists, though in late 2008 a new degree course in social communications, including aspects of journalism, was introduced at the Universidade Nacional Timor Lorosa'e. UNMIT supports this course and works with local and international non-governmental organizations that are focused on media development and capacity-building. There is an acute shortage of skilled broadcast, multimedia and information technology workers in the country.

142. Most media reporting is Dili-centric, in part reflecting the lack of resources for wider regional media hubs. The national television and radio broadcaster, Radio and Television Timor-Leste, remains the main media source of information for most of the population.

143. Radio leads the media field, with Radio Timor-Leste claiming to have reach to over 80 per cent of the population. Television Timor-Leste, an important source of information in Dili, has recently increased its reach to district capitals and many villages (sucos) through a Government programme providing satellite links and television sets. The lack of communications infrastructure, electricity, and especially maintenance of broadcast equipment, such as transmitters, however, continues to affect the reach and threaten the sustainability of both Television Timor-Leste and Radio Timor-Leste.

144. The radio sector also includes two Catholic Church stations and 15 community radio stations which are potentially a significant factor in access to information for local communities, especially in local languages. However, they face major financial, human resources and technological challenges common to the media sector which threaten their sustainability. There is some growth in commercial FM radio, with a new station launched in the capital in 2009.

145. Print media has remained at similar strength in recent years, with three national daily newspapers and several weekly newspapers, but has low circulation beyond the capital. Online media has grown since 2006, though remains of very limited importance for the general public, especially outside of Dili, owing to the lack of access to technology and prohibitive costs for most of the population.

146. Statistical data confirms that most of the population prefers to receive and share information in Tetum, one of the two official languages. The use of Tetum has increased and improved in print media in recent years, raising accessibility for many citizens. However, development of the traditionally oral Tetum into written form remains significantly underfunded in the Government budget. As Government programmes aim to combat illiteracy, written materials in Tetum will become even more important and would especially enhance women's access to information. The need is especially acute in the areas of law and the justice system, and in all aspects of democratic governance.

Priorities for 2010-2012

147. In order to reach audiences with effective public messaging, UNMIT should continue to maintain capacity to produce television and radio programming, in addition to a range of print products, and an outreach capacity to support dissemination of information to target audiences. UNMIT should also maintain a media relations office to support the Mission in direct relations with national and international media.

148. Overall, as noted, the state of the media sector remains fragile and would benefit from continued international support in local media development and institutional capacity-building in the foreseeable future. The production capacity of UNMIT in educational and peace messaging and its ability to provide objective independent information will contribute to a stable and secure atmosphere during the PNTL resumption process as well as the forthcoming elections. In 2010-2012, UNMIT should continue to support the key objectives of the United Nations system across the four mandated priority areas, as well as the Special Representative's good offices role.

149. Support to UNMIT police communications should be a major focus through 2010 until the full reconstitution of PNTL. This should include information programmes to enhance public awareness of police services, professional police standards and the PNTL resumption process. Promotion of human rights, justice and the rule of law should also be an important focus. UNMIT should continue anti-violence campaigns, focusing especially on gender-based and domestic violence.

150. While it is envisaged that much of the United Nations support to civic and voter education would be provided by the United Nation Electoral Support Team, UNMIT should continue social messaging focused on peace, tolerance, inclusion, unity, participation and human rights in the electoral cycles. It should also continue to support the objective of promoting a culture of democratic governance.

151. United Nations work on socio-economic issues should also be supported by UNMIT, with a special focus on the issues related to sustainable integration of internally displaced persons, especially in Dili neighbourhoods. With Timor-Leste's large and rapidly growing youth population, UNMIT should continue to work with local media, especially Radio and Television Timor-Leste, to enhance local programming aimed at empowering youth and promoting their positive and peaceful contribution to nation-building.

152. Through partnerships with national and international organizations and with Timorese media actors, UNMIT should continue to support capacity development in the media sector. Radio and Television Timor-Leste will continue to be a major

partner, and support should be provided to community radio and to the capacity development of the small number of Timorese broadcast and multimedia technology workers. UNDP and UNMIT have supported, and should continue to support, the formulation of media policy and legislation.

G. Gender

Progress

153. Women increased their participation in State institutions during the 2007 elections, with 29 per cent representation in Parliament and three ministerial positions (Finance, Justice and Social Solidarity), and also assumed the posts of the Vice Minister for Health and the Secretary of State for the Promotion of Equality. As a result of the village (suco) elections in 2009, 11 women were elected as suco chiefs (442 sucos in the country), and 37 women were elected as aldeia chiefs (2,225 aldeias). Some of the reasons cited for the poor outcome for women included the closed list of candidates, the prevailing patriarchal culture where men decide for women, the law excluding women from political parties and the absence of child care.

154. Sector-wide policies on gender (i.e., education, health, agriculture, and vocational and professional training) and gender mainstreaming policies in relevant ministries are being developed by the gender focal points appointed by the Office of the Secretary of State for the Promotion of Equality. The focal points that are present in some ministries and districts also play an important role in working with the National Priorities Team to integrate gender into its benchmarks and indicators. Over the medium term, increased gender analysis capacities within key ministries could result in better resource allocation and in effective and more equitable service delivery for women.

155. Significant legislative reform has taken place to harmonize national legislation with the Convention for the Elimination of All Forms of Discrimination against Women. Drafting of the land laws and the Civil Code were completed, which, if adopted, would grant equal rights to both women and men to use and own land and in all aspects of matrimonial regime and inheritance rights. Preparatory processes were undertaken for the drafting of a gender equality law for Timor-Leste.

156. In the area of gender-based violence, the United Nations has supported the establishment of a strategic referral network working group coordinated by the Secretary of State for the Promotion of Equality and continued to support the individual service provider's weekly meetings. The Secretary of State for the Promotion of Equality further led the domestic violence component of the joint programme on domestic violence and human trafficking, which was implemented jointly with the support of United Nations agencies. A draft law against domestic violence was approved by the Council of Ministers in August 2009 and submitted to Parliament. The law provides for legal protection and legal remedies for survivors of domestic violence. A new Penal Code was adopted in March 2009, which incorporates a provision that domestic violence is a public crime. The United Nations conducted training on gender-based violence investigations for PNTL and produced a training manual, mainly targeting Vulnerable Persons Units. With the support of the United Nations, child- and victim-friendly interview rooms were established in Vulnerable Persons Units in five districts.

Challenges

157. Women's full enjoyment of all human rights continues to be challenged by the high incidence of and impunity for sexual and gender-based violence, as well as by customs and traditions. This is compounded by a lack of access to justice, underrepresentation at the local level, weak participation within State institutions and the socio-economic disempowerment of women.

158. The achievement of gender equality and women's empowerment in Timor-Leste is contingent on various factors, on which effective national rule of law systems and capacities are particularly pressing in the light of persistently high levels of violations of the human rights of women.

Priorities for 2010-2012

159. Over the next three years, a concerted effort is needed to strengthen the United Nations system-wide gender strategy in support of the Government's gender mainstreaming policies that includes measurable benchmarks, gender expertise, dedicated resources and an accountability framework. The strategy should set out an integrated multisectoral approach, drawing on the comparative advantage of the United Nations with a strong focus on political participation and governance, domestic violence, gender justice and economic empowerment. High-level mission support needs to be sustained, including to the United Nations Gender Theme Group and the United Nations Justice Working Group.

160. As requested by the Government, UNMIT should develop a comprehensive and time-bound national capacity-building strategy in its four mandated priority areas with measurable benchmarks. This should be done in consultation with the Government and civil society. Such benchmarks should be transparent. Thus far, capacity-building support has focused primarily on government counterparts, with less attention to civil society. Lessons from United Nations work in the area of gender equality and women's empowerment have demonstrated that a two-track strategy proves to be most effective. Sustaining such results on gender will require a comprehensive effort by UNMIT, over at least the next three years in the area of capacity development. One critical area for capacity-building is women's participation in the municipal elections, for which dedicated gender expertise should be made available.

161. In order to achieve enduring results in the area of gender equality and women's human rights, sustainable and nationally owned accountability and oversight mechanisms need to be firmly established. The United Nations should continue to assist the Timorese authorities in that regard. Such assistance should include civil society, women's organizations and State institutions, such as the Provedor, and be integrated across the four priority mandated areas of UNMIT. In this connection, there is a need to strengthen regular Government-civil society consultations on policy, including on women's empowerment, which should go beyond Dili and include communities in the districts. Such mechanisms can act as an important conflict prevention and mitigation strategy, in particular during electoral campaigns.

H. United Nations safety and security

162. Timor-Leste is safer and more stable today than it was three years ago. Numbers of illegal weapons are low, and crime rates have been relatively low. No recent cases of large-scale unrest in Dili or the districts have been recorded. Nevertheless, the continuing potential for such incidents still represents a threat to United Nations safety and security. The municipal and national elections planned for the 2010-2012 period will test the country's political stability and the capacity of PNTL to maintain law and order.

163. In principle, the Government has the primary responsibility for providing security to the United Nations in Timor-Leste, but Timorese security institutions currently lack the required capacity. Provision of a small but visible armed uniformed element at United Nations headquarters to support its security guards to secure and buffer this facility prior to reinforcement is necessary. On-call reinforcements to defend United Nations headquarters and the Dili airport, to provide escorts between the two locations, to assist with staff extraction and to provide similar functions in the districts in times of civil unrest or other crisis situations, if deemed necessary, remain prudent. The international security forces currently provide this support under the military technical arrangement signed by the United Nations and the Government of Australia on 25 January 2007 (see S/2007/50, para. 41). A revision of the arrangement, proposed by the Government of Australia, is currently under consideration. Decisions resulting from the proposed revision of the arrangement will determine if present arrangements are sustainable or if a formed police unit needs to be tasked specifically to assume security responsibilities. Any further changes might require other arrangements that would ensure dedicated support to the United Nations.

164. The United Nations Security Section provides support to the entire United Nations system (UNMIT and the United Nations country team) in Timor-Leste. The current United Nations security posture remains valid and can be sustained with minor refinements that are, on the whole, resource neutral. Sufficient elements of the current United Nations Security Section should shift their role at the end of the UNMIT mandate to support liquidation and United Nations successor arrangements.

I. Mission support

165. The UNMIT Mission Support Plan, which was completed in September 2009, is the foundation for adjustments to the support strategy. The type and composition of the follow-on or remaining United Nations presence in Timor-Leste will have the largest impact on the transfer or disposal of Mission assets, continuing employment opportunities for international and national staff, training needs and the return of UNMIT-held premises.

166. Training will continue to play a key role in UNMIT. The Mission will expand present language courses to include Tetum introduction training for UNMIT police officers, United Nations Volunteers involved in the electoral process and other staff who interact at the community level. The continuing need to enhance the English language proficiency of translation assistants employed with the UNMIT police should be addressed. Furthermore, anticipating a staged personnel drawdown over successive budget periods, Mission Support will also continue with its established

training programmes for national staff in several other areas, including but not limited to computer skills, interviewing skills and résumé writing, within the framework of a national certification programme. This will enhance national staff members' opportunities for integration into the local job market after separation from UNMIT. The United Nations country team will consider recruitment of national staff, where possible.

167. UNMIT is currently providing a range of services that are of benefit to the United Nations country team in Dili and in the districts, especially with regard to communications, air transportation and medical services. Key functions that require continuation after the UNMIT-mandated period will be subject to further discussion with the United Nations country team, or in planning a United Nations follow-on presence.

168. The initial classification of the Mission's 14,500 assets has been completed and will be updated at regular intervals, with consideration to be made on possible transfer to other United Nations operations, donations to the Government of Timor-Leste or disposal. Donations of assets to the Government should be considered in areas where functions and services have shifted to the Government, in particular the transportation and communications infrastructure and forensic crime lab equipment. The nature of the follow-on or remaining United Nations presence in Timor-Leste, in conjunction with the Government's infrastructure development plans, will be key determining factors in the final handover of UNMIT-held infrastructure.

169. The Mission has implemented a number of activities with respect to the greening of the United Nations. These include a paper tax on photocopier paper distribution, support to a local non-governmental organization by providing shredded office paper to be recycled into burnable briquettes, following the Secretary-General's initiative in setting office air conditioners at 24 degrees Celsius, and working with the post exchange contractor in replacing plastic bags and styrofoam food containers with paper alternatives or reusable shopping bags.

IV. Financial aspects

170. The General Assembly, by its resolution 63/292, appropriated the amount of $205.9 million for the maintenance of UNMIT for the period from 1 July 2009 to 30 June 2010. As at 31 December 2009, unpaid assessed contributions to the special account for UNMIT amounted to $28 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $1,853.2 million. My recommendation in respect of additional police or proposed civilian experts for technical advisory services, contained in paragraph 179 below, would entail additional resources, which would be absorbed from within the approved budget for the Mission and reported to the General Assembly in the context of the financial performance report for UNMIT for the 2009/10 period. As at 31 December 2009, amounts owed to formed police contributors to UNMIT totalled $10.0 million. Reimbursement of formed police units costs and payments for equipment owned by formed police units have been made for the periods up to 31 March 2009 and 30 September 2008, respectively, in accordance with the quarterly payment schedule.

V. Observations and recommendations

171. I welcome the commitments of all parties to ensuring peace and stability in Timor-Leste and the respect they have displayed for democratic processes in addressing contentious issues that have arisen over the past months. I am particularly encouraged by the willingness recently expressed by the Timorese leadership and the Fretilin opposition, in various forums, to continue to engage in discussions on issues of national interest, including to curtail poverty and violence and to undertake efforts to forge peace, national unity and development. The successful conduct of the village (suco) elections in October is a further democratic milestone and a tribute to the growing capacity of the country's electoral management bodies. I trust that the Government and opposition will continue to engage in dialogue between them to achieve as much consensus as possible on major issues of national concern and will be open to consultation with all segments of civil society.

172. At the same time, institutions are still fragile, including those in the security and justice sectors, and how well they could withstand another major crisis remains uncertain. In addition, many of the other underlying factors that had contributed to the 2006 crisis remain, despite important measures taken to address some of them. These include tensions among the political elite, difficulties within the security institutions, poverty and its associated deprivations, high unemployment (including among young people) with limited prospects of meaningful livelihood opportunities in the near future, and lack of an effective land and property regime. Whatever weight is attributed to the various factors contributing to the 2006 crisis, it is unlikely that they will be fully resolved by 2012. A reasonable goal is to ensure that the democratic institutions and processes established are robust enough to continue addressing those issues without regression to violence.

173. While recognizing the difficulties involved in establishing accountability for past crimes, especially for a young nation still striving for stability and national unity, I remain concerned, as conveyed in my previous report (see S/2009/504, para. 55), that the prolonged delay in delivering justice and providing reparations to victims and their families may further adversely affect public confidence in the rule of law. UNMIT will continue to play an active role in addressing those concerns.

174. My Special Representative, Ameerah Haq, through her good offices, will make efforts to facilitate further progress in tackling these remaining challenges, including through supporting inclusive dialogue that involves all sectors of society and aims at bridging divides at the local, regional and national levels. Good offices play a pivotal role in support of all the areas of the Mission's mandate, including through delivering key messages and encouraging a strengthened commitment among Timorese leaders to undertake efforts to address critical national concerns which are, in turn, supported by the activities of UNMIT and the United Nations country team. National and local leaders, as well as many civil society actors, continue to have faith in the resolve of the United Nations to serve as an impartial arbiter that also shares their goals of sustainable stability, rule of law, democratic governance and socio-economic development.

175. The technical assessment mission has confirmed the broad desire of the Timorese leadership and other national stakeholders for the United Nations to maintain the integrated support provided through UNMIT in all major areas of its mandate. I am in agreement with its conclusion that each of the four objectives of

the UNMIT medium-term strategy and the related benchmarks (to which the assessment mission has proposed relevant updates), as presented to the Council in my report of 4 February 2009 (S/2009/72), remain critical to addressing the underlying challenges that gave rise to the UNMIT mandate and can provide a solid foundation for achieving sustainable stability and prosperity in a democratic Timor-Leste. Any major restructuring of UNMIT at this stage would therefore be premature. However, the focus and coordination of efforts on the priorities identified in each area of the work of UNMIT should take into account the changing contexts and the respective comparative advantages of the Mission, the United Nations country team and bilateral and multilateral partners.

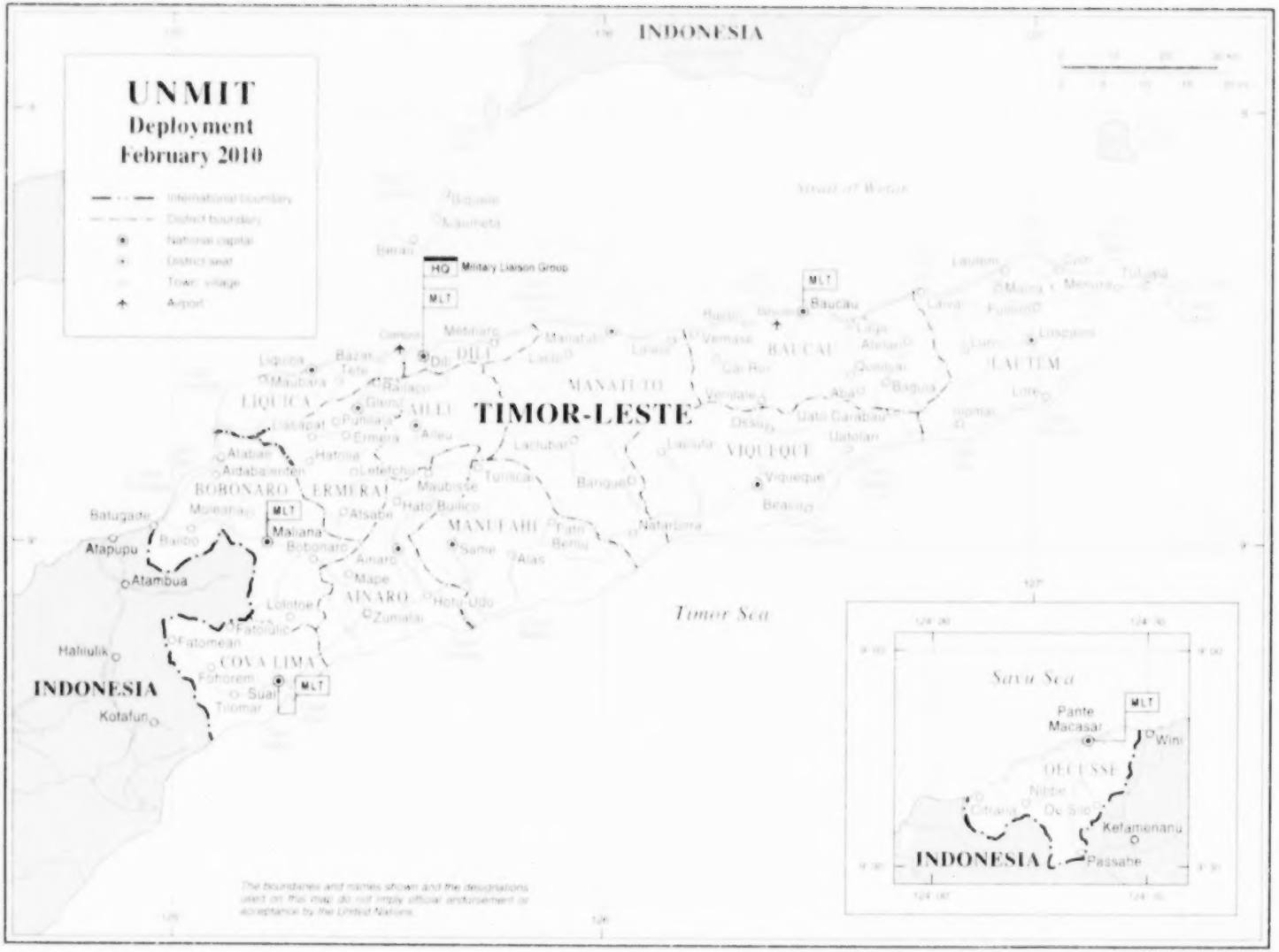
176. Apart from its interim executive policing role, the mandated task of UNMIT to assist with the further training, mentoring, institutional development and strengthening of PNTL, so that it effectively contributes to the building of a professional and impartial national police service in Timor-Leste, remains one of its greatest challenges. The Government has urged that the resumption of full responsibility for policing by PNTL should be completed in all districts and units by the end of 2010. UNMIT will make all efforts for this to be achieved, subject to the Government taking all possible action to meet the mutually agreed criteria for resumption as well as to complete the certification process. However, it must be stressed that the availability of operational logistical requirements in many districts, including where resumption has already taken place, is far from adequate. If the criterion of the availability of logistical requirements is strictly applied, it would inevitably prolong the resumption process. This underscores the particular need for firm actions and commitments by the Government to ensure that logistical requirements are satisfied in the shortest possible timeframe. In this context, it is warranted that a cautious approach should be taken to the initial drawdown of UNMIT police; a further drawdown will be subject to an assessment in late 2010.

177. Reconfiguring and continuing to reorient the UNMIT police component to meet as far as possible the post-resumption challenges will not be easy. It will require high priority to be given, not only by UNMIT and the United Nations Secretariat, but also and most importantly by police-contributing countries, to deploying officers with the required profiles and skill sets to perform the crucial role of mentoring, monitoring and reporting from all districts, while also being available to provide advice as well as offer operational support. Where specialized police personnel cannot be provided by police-contributing countries or where continuity in functions is particularly important, consideration should be given to seeking additional civilian personnel with the required expertise to assist. The limitations of current United Nations police resources in being able to contribute to the institutional development of a police force and governmental oversight of the force must be recognized. Government-led coordination with bilateral and multilateral actors should thus be strengthened, with United Nations support, according to respective comparative advantages in those critical areas.

178. My Special Representative will establish a team to plan the downsizing of UNMIT during the period through 2012 and the transition of functions, where appropriate, to the Government, the United Nations country team and bilateral partners. This will require close consultation with the Government in order to properly manage employment and other economic implications of the drawdown of the United Nations presence, especially in Dili. I will review proposals for the drawdown carefully and report to the Council accordingly.

179. I recommend an extension of the mandate of UNMIT for a further period of 12 months with the same composition and retaining the current number of military liaison officers, while gradually decreasing the number of police personnel from 1,608 to 1,280 by mid-2011 (790 individual police officers and 490 in formed police units). Further, and consistent with the assessment mission's recommendations (see para. 45 above), I recommend the establishment of 19 additional civilian posts within the police component for specialists with the expertise needed to further support institutional development of PNTL.

180. In authorizing the establishment of UNMIT with its multifaceted mandate in 2006, the Council made a renewed commitment to Timor-Leste to assist it in overcoming the crisis of that year, in addressing the broad underlying causes of the crisis and in developing the security institutions and other capacities of a democratic State. It recognized that this would require a sustained and long-term commitment. The benefits of this renewed commitment are clearly visible, but the continuing fragility of Timor-Leste's institutions and the political, institutional and socio-economic challenges ahead must also be recognized. The further extension of the integrated Mission, with its "one United Nations system" approach, will reflect the determination of the United Nations to sustain its support to Timor-Leste until its institutions are sufficiently equipped to meet the inevitable challenges ahead of it, as faced by any young State. I trust that this continued support, together with the steadfast determination and efforts of the Timorese people, will allow the country to make further inroads in overcoming these challenges and in establishing sustainable peace and development.



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